

### **REMARKS**

Claims 4-15 are pending in this application. Claims 4, 7, 11 and 12 have been amended. Claims 4, 7, 11 and 12 are independent. Reconsideration of this application, as amended, is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102**

Claims 4-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kasuya (U.S. Patent No. 5,930,054). This rejection is respectfully traversed.

Applicant respectfully submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of elements of the claimed invention of claims 4-12. Accordingly, this rejection should be withdrawn. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicant has amended claims 4, 7, 11 and 12 to clarify the claimed invention for the benefit of the Examiner. Specifically, Applicant has amended claims 4, 7, 11 and 12 to explicitly state those features that were already implicitly claimed in claims 4, 7, 11 and 12. Accordingly, as indicated by the Examiner on page 2 of the Office Action under the heading Response to Arguments, Applicant respectfully submits that the prior art of record fails to teach or suggest each and every limitation of

the unique combination of limitations of the claimed invention of claims 4, 7, 11 and 12.

With respect to claim 4, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of “the position determining device obtains the absolute position of the subject within the movement range outputted from the absolute position determiner *without performing an initialization process upon activation, wherein said initialization process includes moving the subject to a predetermined position upon activation.*” (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 7, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of “wherein the position determining device obtains data outputted from the absolute position determiner upon being turned on without performing an initialization process upon being turned on, *wherein said initialization process includes moving the subject to a predetermined position upon being turned on.*” (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 11, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention,

including the limitation(s) of “*determining the position of the subject with said position determining device in accordance with data outputted from the absolute position determiner without performing an initialization process upon activation of the position determining device*, wherein said initialization process includes moving the subject to a predetermined position upon activation.” (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 12, Applicant submits that the prior art of record fails to teach or suggest the unique combination of elements of the claimed invention, including the limitation(s) of “obtaining data outputted from the absolute position determiner with the position determining device upon the position determining device being turned on and *without performing an initialization process, wherein said initialization process includes moving the subject to a predetermined position upon being turned on.*” (emphasis added) Accordingly, this rejection should be withdrawn.

Applicant appreciates the Examiner’s clarification of the Examiner’s interpretation of the Kasuya reference in the Office Action. As acknowledged by the Examiner, Applicant submits that the alleged absolute position determiner and relative position determiner of Kasuya are not utilized to control a subject such as a lens in the same manner as specifically claimed in the claimed invention, e.g., the claimed invention clearly switches between the absolute

position determiner and the relative position determiner in a manner different than that alleged by the Examiner.

Kasuya teaches that the lens 14 is automatically driven in accordance with the signal outputted by the alleged absolute position detecting means when the power supply turns on, so that the relative position detecting means is initialized (Fig. 2 Col. 4 line 59 through Col. 6, line 32). Kasuya clearly includes a movement sequence for automatic initialization. In particular, the initialization process associated with the lens drive is essential in Kasuya, i.e., before the initializing process is completed, the lens cannot be operated from the lens operation member 11. (see Col. 6 lines 39-49, and element S30 of Fig. 2).

In contrast, the claimed invention is intended to eliminate the necessity of initialization when the device is turned on (see Applicant's specification Page 2 lines 13-14). In particular, the device can be operated when the power supply is turned on, and/or it is not necessary to perform the initialization process associated with the lens drive of Kasuya. This result is clearly different from Kasuya and is clearly described by Applicant in the claimed invention. Accordingly, the rejection based upon the Kasuya reference is improper and should be withdrawn.

In order to clarify the claimed invention for the benefit of the Examiner, claims 4, 7, 11 and 12 have been amended to further emphasize these differences

between the claimed invention and the essential initialization process of Kasuya. In addition, Applicants have also clarified that the initialization process which is not performed in the claimed invention includes moving the subject to a predetermined position upon activation, e.g., a limit or end position. Upon turning on of the lens control unit, e.g., upon activation, the position determining device obtains data outputted from the absolute position determiner (the absolute position of the subject at this point) and determines whether the position of the subject indicated by data is at a limit of the movement range.

Therefore, when the position indicated by the data is not at the limit of the movement range, the position of the subject is determined with reference to the data outputted from the absolute position determiner without performing the initializing process of the relative position determiner associated with the drive of the subject. The position determining device of the claimed invention determines the position of the subject with reference to the data outputted from the absolute position determiner only until the limit of the subject is detected by the absolute position determiner. Once the absolute position determiner detects the limit of the subject, the relative position determiner is initialized with respect to the limit of the subject. Thereafter, the position determining device determines the position of the subject with reference to the data outputted from the relative position determiner.

Alternatively, when the position indicated by the data is at the limit of the movement range, the relative position determiner is initialized with respect to the limit of the subject, and then, the position determining device determines the position of the subject with reference to the data outputted from the *relative position determiner*. Applicant submits that these distinctions, including the additional features of claims 13-15, are fully supported by the original written description, including, but not limited to the page 8, line 17 through page 9, line 7 of the present application.

Applicant submits that Kasuya clearly does not function or provide the results of the claimed invention. When the claimed device is turned on, the position determining device obtains the data outputted from the absolute position determiner. When the position of the subject is not at the limit, the absolute position determiner is used until the limit is detected. Upon detection of the limit, the relative position determiner can detect the position of the subject. The relative position determiner is only used when the position of the subject is at the limit of the range upon being activated.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicant respectfully submits that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicant respectfully submits that the instant application is in a condition for allowance.

As to the dependent claims, Applicant respectfully submits that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state-of-the-art, no further comments are necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

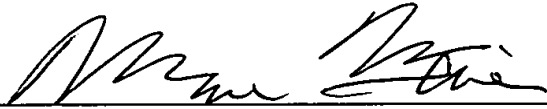
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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